

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONTE NIDO MISSOURI, LLC, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:20-CV-01491 RLW
)	
ST. LOUIS COUNTY, MISSOURI, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion for Leave to File Objections to Discovery Out of Time (ECF No. 28). Plaintiffs oppose the Motion and it is fully briefed. After careful consideration of the motion papers, the Court will deny Defendants' Motion without prejudice.

Eastern District Local Rule 3.04(A) states:

The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

E.D. Mo. L.R. 3.04(A).

Defendants' Motion fails to satisfy the requirements of Local Rule 3.04(A). Defendants' Motion states, in pertinent part:

Plaintiffs' counsel's email to Defendants makes it clear that he does not want to discuss let alone compromise on his objectionable

discovery requests, insisting that the attorney-clients [sic] and work product privileges were waived by Defendants.

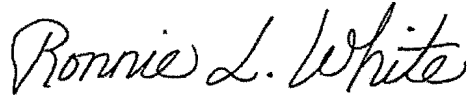
(ECF No. 28 at ¶ 13).

Local Rule 3.04(A) requires a conference in person or by telephone, along with specific details concerning the conference, or a statement of the reasonable efforts made to confer in person or by telephone. Defendants' motion lacks the requisite detail. Defendants instead make vague allusions to email exchanges between counsel. Email exchanges do not satisfy the requirements of Local Rule 3.04(A). Although Defendants attempt to cure the deficiency in their Reply by providing additional details relating to other communications, Local Rule 3.04(A) explicitly requires such detail in the motion itself.

Because of Defendants' failure to comply with Local Rule 3.04(A), the Court will deny the present motion without prejudice. The Court expects the parties to engage in a genuine effort to resolve their dispute prior to refiling any motions.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion for Leave to File Objections to Discovery Out of Time (ECF No. 28) is **DENIED without prejudice**.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 13th day of May, 2021.